

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6391

59th Legislature
2006 Regular Session

Passed by the Senate March 4, 2006
YEAS 45 NAYS 0

President of the Senate

Passed by the House February 28, 2006
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6391** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6391

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Deccio, Thibaudeau and Fairley)

READ FIRST TIME 02/01/06.

1 AN ACT Relating to the provision of services for nonresident
2 individuals residing in long-term care settings; amending RCW 18.20.020
3 and 18.135.040; and adding a new section to chapter 18.135 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.20.020 and 2004 c 142 s 1 are each amended to read
6 as follows:

7 As used in this chapter:

8 (1) "Boarding home" means any home or other institution, however
9 named, which is advertised, announced, or maintained for the express or
10 implied purpose of providing housing, basic services, and assuming
11 general responsibility for the safety and well-being of the residents,
12 and may also provide domiciliary care, consistent with chapter 142,
13 Laws of 2004, to seven or more residents after July 1, 2000. However,
14 a boarding home that is licensed for three to six residents prior to or
15 on July 1, 2000, may maintain its boarding home license as long as it
16 is continually licensed as a boarding home. "Boarding home" shall not
17 include facilities certified as group training homes pursuant to RCW
18 71A.22.040, nor any home, institution or section thereof which is
19 otherwise licensed and regulated under the provisions of state law

1 providing specifically for the licensing and regulation of such home,
2 institution or section thereof. Nor shall it include any independent
3 senior housing, independent living units in continuing care retirement
4 communities, or other similar living situations including those
5 subsidized by the department of housing and urban development.

6 (2) "Basic services" means housekeeping services, meals, nutritious
7 snacks, laundry, and activities.

8 (3) "Person" means any individual, firm, partnership, corporation,
9 company, association, or joint stock association, and the legal
10 successor thereof.

11 (4) "Secretary" means the secretary of social and health services.

12 (5) "Department" means the state department of social and health
13 services.

14 (6) "Resident's representative" means a person designated
15 voluntarily by a competent resident, in writing, to act in the
16 resident's behalf concerning the care and services provided by the
17 boarding home and to receive information from the boarding home, if
18 there is no legal representative. The resident's competence shall be
19 determined using the criteria in RCW 11.88.010(1)(e). The resident's
20 representative may not be affiliated with the licensee, boarding home,
21 or management company, unless the affiliated person is a family member
22 of the resident. The resident's representative shall not have
23 authority to act on behalf of the resident once the resident is no
24 longer competent.

25 (7) "Domiciliary care" means: Assistance with activities of daily
26 living provided by the boarding home either directly or indirectly; or
27 health support services, if provided directly or indirectly by the
28 boarding home; or intermittent nursing services, if provided directly
29 or indirectly by the boarding home.

30 (8) "General responsibility for the safety and well-being of the
31 resident" means the provision of the following: Prescribed general low
32 sodium diets; prescribed general diabetic diets; prescribed mechanical
33 soft foods; emergency assistance; monitoring of the resident; arranging
34 health care appointments with outside health care providers and
35 reminding residents of such appointments as necessary; coordinating
36 health care services with outside health care providers consistent with
37 RCW 18.20.380; assisting the resident to obtain and maintain glasses,
38 hearing aids, dentures, canes, crutches, walkers, wheelchairs, and

1 assistive communication devices; observation of the resident for
2 changes in overall functioning; blood pressure checks as scheduled;
3 responding appropriately when there are observable or reported changes
4 in the resident's physical, mental, or emotional functioning; or
5 medication assistance as permitted under RCW 69.41.085 and as defined
6 in RCW 69.41.010.

7 (9) "Legal representative" means a person or persons identified in
8 RCW 7.70.065 who may act on behalf of the resident pursuant to the
9 scope of their legal authority. The legal representative shall not be
10 affiliated with the licensee, boarding home, or management company,
11 unless the affiliated person is a family member of the resident.

12 (10) "Nonresident individual" means a person who resides in
13 independent senior housing, independent living units in continuing care
14 retirement communities, or in other similar living environments or in
15 a boarding home and may receive one or more of the services listed in
16 RCW 18.20.030(5)~~((, but))~~. A nonresident individual may not receive
17 domiciliary care, as defined in this chapter, directly or indirectly by
18 the ~~((facility))~~ boarding home and may not receive the items and
19 services listed in subsection (8) of this section, except during the
20 time the person is receiving adult day services as defined in this
21 section.

22 (11) "Resident" means an individual who is not related by blood or
23 marriage to the operator of the boarding home, and by reason of age or
24 disability, chooses to reside in the boarding home and receives basic
25 services and one or more of the services listed under general
26 responsibility for the safety and well-being of the resident and may
27 receive domiciliary care or respite care provided directly or
28 indirectly by the boarding home and shall be permitted to receive
29 hospice care through an outside service provider when arranged by the
30 resident or the resident's legal representative under RCW 18.20.380.

31 (12) "Resident applicant" means an individual who is seeking
32 admission to a licensed boarding home and who has completed and signed
33 an application for admission, or such application for admission has
34 been completed and signed in their behalf by their legal representative
35 if any, and if not, then the designated representative if any.

36 (13) "Adult day services" means care and services provided to a
37 nonresident individual by the boarding home on the boarding home

1 premises, for a period of time not to exceed ten continuous hours, and
2 does not involve an overnight stay.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.135 RCW
4 to read as follows:

5 This chapter does not prohibit or restrict the performance of
6 blood-drawing procedures by health care assistants in the residences of
7 research study participants when such procedures have been authorized
8 by the institutional review board of a comprehensive cancer center or
9 nonprofit degree-granting institution of higher education and are
10 conducted under the general supervision of a physician.

11 **Sec. 3.** RCW 18.135.040 and 1984 c 281 s 3 are each amended to read
12 as follows:

13 A certification issued to a health care assistant pursuant to this
14 chapter shall be authority to perform only the functions authorized in
15 RCW 18.135.010 subject to proper delegation and supervision in the
16 health care facility making the certification or under the supervision
17 of the certifying health care practitioner in other health care
18 facilities or in his or her office or in the residences of research
19 study participants in accordance with section 2 of this act. No
20 certification made by one health care facility or health care
21 practitioner is transferrable to another health care facility or health
22 care practitioner.

23 NEW SECTION. **Sec. 4.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

--- END ---